



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3009862
Applicant Name: Kevin Weare
Address of Proposal: 5226 SW Forest Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 432 square feet two-car garage partially in the required front yard accessory to an existing single family residence.

The following approvals are required:

Variance - To allow portion of principal structure to extend into the required front yard in a single family zone. Seattle Municipal Code 23.44.014(A.1)

Variance - To allow the expansion of nonconforming structure in a single family zone. Seattle Municipal Code 23.42.112(A)

Variance - To allow parking to extend into the required front yard in a single family zone. Seattle Municipal Code 23.44.016(D)

Variance - To allow portion of garage to project beyond the remaining non-garage area of the principal structure in a single family zone. Seattle Municipal Code 23.44.016(F)

Variance - To allow curb cut greater than 10 feet in width in a single family zone. Seattle Municipal Code 23.54.030(F.1)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

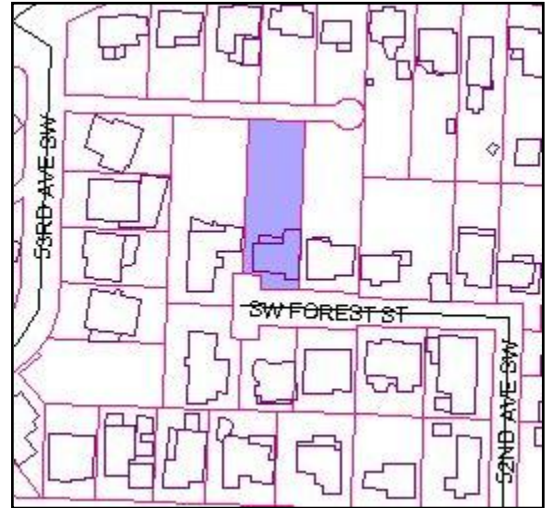
☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The subject lot is nearly rectangular in shape (60' X 183'), occupying approximately 10,740 square feet of land in West Seattle. The development site is an interior lot that fronts along the north side of Southwest Forest Street. The property is substantially above the standard size within the designated Residential, Single-Family 7200 zone (SF 7200). There are two unique characteristics associated with the development site impacting site location of the existing single family structure. The first, being the hammerhead right of way alignment within SW Forest Street. A fifteen foot by fifteen foot portion of the front property line has been cut away to accommodate a hammerhead turnaround within SW Forest which creates a lateral step along the front property line. The location of the front yard for purposes of conforming to development standards is located east of the cut out. The second, an Environmentally Critical Areas (ECA) 40% Steep Slope comprises a significant amount of the north portion of the subject lot.



The site is currently developed with a modest one-story single-family residence (built in 1959) with daylight basement along the west façade. An accessory attached carport is located along the structure's south façade, abutting the SW Forest right-of-way. The right-of-way terminates approximately fifteen feet from the west property line, and is partially improved with a paved roadway surface extending from property line to property line. Access to parking within the carport is taken off an 11 foot wide driveway that slopes up from the street right-of-way. The development site features a downward cross slope from east to west (within the south half of the lot) and a more dramatic slope from south to north (approximately 79 feet from property line to property line). The existing single family house conforms to all required yard development standards except for a portion of the attached carport which projects into the required front yard along the south façade. The carport sits approximately 15 feet 10 inches from the front property line. Based on front yard averaging, the required front yard is 17 feet 8 inches, which represents an encroachment into the required front yard by 1 foot 10 inches.

The immediate vicinity is zoned single family residential development in a mix of moderate and small designated zones; SF 7200 and SF 5000 zones. The area is developed primarily with single, two and three-story single family residences in a mix of architectural styles. The general area sits upon a hillside that slopes downward to the west and north. The street in front of the subject lot slopes moderately downward to its terminus, providing territorial views to Puget Sound and the Olympic Mountain range further to the west. The area is marked with ECA Steep Slopes and New Potential Slide on the hillside. The area appears to be well developed that could support additional development.

Proposal Description

The applicant has proposed to remodel an existing residential structure to accommodate an expanded living area and a new two-car garage. The remodeling project includes expanding gross floor area on the main level with the addition of a two-car garage on the same level. The project will entail a reconfiguration of the kitchen, circulation areas and addition of a bedroom and bath. A portion of the existing carport will be converted into habitable space, with the remaining area expanding to accommodate a two-car garage. The proposed two-car attached garage will laterally modulate outwards from the principal structure by approximately 16 feet. From the exterior façade, the garage will measure 21.5 feet in width, and will extend to a maximum of 11 feet in height. The existing single family structure is nonconforming with regards to the location of the carport sited within the front yard setback area. The required front yard at the development site is 17 feet 8 inches. The existing structure is located approximately 15 feet 10 inches from the south property line with the eaves and gutters extending an additional 18 inches (approximately), to a minimum distance of 14 feet 4 inches from the front property line. The proposed location of the garage would extend 5 feet from the front property line with eaves and gutters extending an additional 18 inches. In total, the footprint of the existing structure in the required front yard will expand, (approximately) from 199 square feet to 382 square feet, representing a 92% or 183 square feet increase.

CODE SECTION	STANDARD	REQUEST
SMC 23.42.112(A).	A structure nonconforming to development standards may be maintained, renovated, repaired or structurally altered but shall be prohibited from expanding or extending in a manner that increases the extent of the nonconformity.	Allow the expansion of a nonconforming structure into a required front yard in a single family zone.
SMC 23.44.014(A.1).	The front yard shall be either the average of the front yards of the single family structures on either side or 20 feet, whichever is less. A 17 foot 8 inch front yard is required.	Allow an attached two-car garage to project 12 feet 8 inches into the required front yard, to a distance of five feet from the front property line.
SMC 23.44.016(D).	Parking shall not be located front yard except as provided in subsections D7, D9, D10, D11 and D12.	Allow parking to extend into the required front yard to a distance of five feet from the front property line. With eaves and gutters projecting an additional 18 inches.
SMC 23.44.016(F).	Garage setback. No portion of a garage that is part of a principal structure may be closer to the street lot line than 80% of the remaining non-garage street level façade.	Allow a two-car garage comprising 46% of the front façade to project closer to the street lot line.
SMC 23.44.054(F.1).	For lots with less than 80 feet of street frontage, one 10 foot wide curb cut is allowed.	Allow a 20 foot wide curb cut to accommodate a two-car garage.

Public Comment

Date of Notice of Application: April 23, 2009

Date End of Comment Period: May 06, 2009

Letters 5

Issues: Five comment letters were received for this project with no outward support for the requested variances. Three letters provided specific arguments against the proposal through variance criteria. The block frontage features a number of residences with conforming garages which meet code, with only one detached garage sited in the front yard. Granting the variance would constitute granting a special privilege inconsistent with the existing neighborhood pattern. One letter voiced concern with the hillside, water runoff, soil stability, and impact on trees in and around a greenbelt. Another comment letter came from the subject site and stated they had no complaints or issues with the proposal.

ANALYSIS - VARIANCES

As provided in SMC 23.40.020, variances from the provisions or requirements set forth in the Seattle Municipal Code shall be authorized only when all of the following facts and conditions are found to exist:

1. *Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity.*

The development site is located on a larger than standard sized Lot, Lot 14, Grotle's 2nd addition, according the plat thereof recorded in volume 49, of plats, page 79, records of King County, Washington, in a single family 7,200 zone. The development site comprises a land area of approximately 10,740 square feet, substantially above the standard sized 7,200 square foot required land area for this residential neighborhood. Of significant note are an Environmental Critical Areas (ECA) 40% Steep Slope and Potential Landslide Areas occupying the north 105 feet of the 183 feet deep subject lot (approximates). The development site occupies the south 78 feet. The site slopes moderately downward from the abutting right-of-way from the southeast to the northwest than abruptly downward approximately 78 feet from the front property line. Other properties in the area have not been adversely impacted by the presence of an ECA in providing two-car garages on site. Access to the subject lot is obtained along Southwest Forest Street, a 40 foot wide right-of-way that terminates 15 feet from the properties west property line. The existing roadway is positioned along the center line of the right-of-way. The attached carport is sited approximately 15 feet 10 inches feet from the right-of-way.

Within the vicinity, the neighboring properties are fully developed lots with similar siting conditions relative to front and side property lines. The existing house with attached carport was constructed in 1959; since that time no records can be found within our records to indicate permits to alter or expand the existing structure. During the time of the original permit, a 20 foot

required front yard setback (with the ability to average to 1957 Code standards) regulated placement of residential structures on private property within the City limits of Seattle was in place. The development site, as measured against today's zoning standards, is considered nonconforming to required front yards. As measured against neighboring parcels, the development site would be in scale in the surrounding area. On average, the houses are set back approximately 17.5 feet from the front property line along the two facing block fronts. The typical pattern of development on the block fronts has residential structure setbacks nearly consistent, owing in part to development standards at the time of construction for the older homes in the area. This is a Code expectation and common occurrence within the City of Seattle when structures are constructed under similar development standards.

The lot is nearly rectangular in shape, comprising an area of approximately 10,740 square feet. The minimum required front yard at the development site in this single family zone is 20 feet or the average if adjacent structures. The existing one-story residential structure with daylight basement occupies an area of approximately 1,277 square feet and is sited towards the south half of the property. The existing single family structure's front facade is located approximately 21.2 feet from the front (south) property line, with the existing carport approximately 15.8 feet from the front (south) property line. All other facades are conforming to current development standards. When the allowed front yard averaging exception is applied, the Code required front yard is set at 17 feet 8 inches. Thus, the carport is currently nonconforming to required front yard requirements, and any expansion would increase the extent of the nonconforming condition by today's standards.

Other properties in the vicinity, substantially share similar siting conditions related to location of façade front to the front property line. With the exception of two detached garages (of which one is defined as a terrace garage and allowed outright by code, the other was constructed in 1923 at a time when the code required a 10 foot building line or setback) and one attached garage, the existing garages are flush with the principal structure's exterior wall. The owner requests placement of a one-story two-car garage within five feet of the front property line, which will have an adverse visual impact along SW Forest near the street's terminus, with views to Puget Sound and the Olympics to the west. Other properties in the area have attached two-car garages, however with the exception of one; conform to appearance of garage entrances relationship to exterior walls (areas not dedicated to parking). As it relates to the two detached two-car garages, only one (addressed 5126 SW Forest Street) adversely impacts the streetscape.

The abruptness of the proposed structure located near the front property line could create an imposing presence with its solid walls along SW Forest. If allowed, the addition of a two-car garage would have an adverse impact along a streetscape with the historic placement of residential structures as it relates to depth of yards and appearance of garage entrances. The proposed remodeling project which includes a structural pop-out within five feet of the front property line to accommodate placement of a two-car garage, would enable the current owner to park two vehicles on-site and increase habitable space within the structure that are not enjoyed by most properties on the same block and adjacent blocks. This variance would constitute a granting of special privilege that is not enjoyed by others in the vicinity.

2. *The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located.*

The owner of the subject lot is proposing to replace a one-car carport with a two-car garage and increase habitable space with the reconfiguration and expansion in floor plate. The garage pop-out (measuring approximately 21.6 feet in width, 16 feet in depth, and 9 feet in height (average)) is located within the required front yard. As discussed previously, the location of the house with attached carport is approximately 15.8 feet from the front property line. The Code requires one complying parking space per single family use. Parking is prohibited in the front yard, unless certain conditions are present, including sloping lot conditions which do not apply in this case. As viewed from the street, the presence of garages are further restricted, limiting the portion of the front façade occupied by garages. The Code currently allows for non-conforming carports to be enclosed which could be construed as the minimum necessary to afford relief. The owner requests consideration to expand the structure's footprint to accommodate increased interior floor area and the addition of a two-car garage. Because of the location of an interior stairwell leading to the basement level and spatial considerations, the only feasible location to locate a garage is the present proposed location. Typical modern homes and properties on the block fronts enjoy two-car garages which the owner would like secure for his property.

The owner explored other design options to establish a two-car garage on-site but was compelled to settle on the proposed design scheme. To minimize the proposal's impact upon surround properties the owner has designed an addition to be sensitive to the block front. The low profile addition has not achieved a design that can be considered to have a minimized presence. Foremost, approximately 47% (46 feet structure width, 21.6 feet garage width) of the front faced is dedicated to a garage addition that will project approximately 16 feet forward from the rest of the non garage area. There is one other property on the block front that is similar to what is being proposed. One notable siting consideration is that the garage entrance on the other property is located approximately 20 feet from the front property line.

A number of houses in the vicinity have been identified to have two-car garages that are flush with the exterior all. This common characteristic does not establish the basis for granting relief to allow a two-car garage projecting forward from the non garage area. The setback of the proposed garage to the front property line would be inconsistent with properties in the vicinity. The owner is requesting to minimize internal remodeling and take advantage of the existing footprint to increase gross floor area that is inconsistent with other single family residential structures in the vicinity. Most of the neighboring properties enjoy the benefits and privileges of well crafted homes with architectural features with conforming two-car garages. Other existing residential structures on similar sized lots in the area enjoy moderate size houses with conforming yards. The proposed addition will significantly increase its structural footprint into the required front yard. Along the south façade the pop-out garage addition will have a dominating street presence which in this single family neighborhood would be detrimental to other properties on the block fronts.

Therefore, the requested variance would go beyond the minimum necessary to afford relief and would constitute a grant of special privilege.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located.*

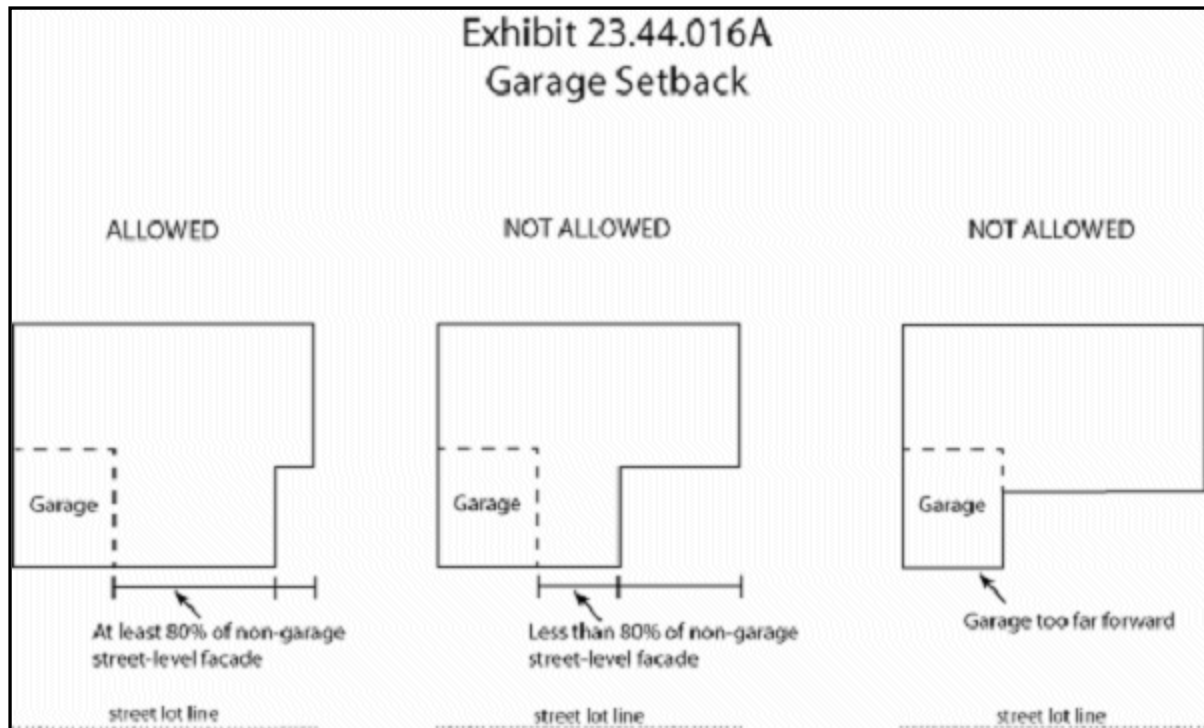
Granting the variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the zone and vicinity. The proposed expansion at the main floor level of a pop-out addition to accommodate a two-car garage in the front yard setback area would result in marginal impacts in the front yard and to a lesser degree the side yard (along the east property line) and the surrounding vicinity. The bulk and scale of the proposed remodel and expansion would moderately impact development along the block front and would create additional negative visual impacts upon the surrounding properties.

The abutting property to the east will be impacted by the proposed expansion. The adjacent property (addressed 5132 SW Forest Street) will not be significantly impacted owing in part to its main floor elevation with west facing windows will maintain a clear line of sight of Puget Sound. However, the neighbor's line of sight will be blocked for vehicles exiting their basement level garage adjacent to the proposed facing façade. This will require the neighbor to be more cautious when exiting their driveway but it would not rise to the degree of being materially detrimental with the proposed garage being located five feet from the front property line.

One other property (5116 SW Forest Street) has a similar condition with a blank wall impeding the view of exiting vehicles, which has not posed a significant hazard adjacent to the right-of-way with its limited number of vehicles accessing this dead end street. Other properties located along the right-of-way to the east are anticipated to be minimally impacted due to horizontal distance and topographic conditions in the area. Thus, the addition along the south façade does not pose a significant impact upon private properties and the public welfare upon neighboring properties.

Therefore, granting this variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties.*



The development site of the land area is above the standard sized range for the underlying zone (SF 7200), with an existing structure located near the south half of the lot outside the ECA 40% Steep Slope. The Land Use Code requires garage entrances for single family projects to limit the forward projection of garage entrances to be no more than 50% of the horizontal width of the front façade, and the plane of the garage entrance must represent at least 80% of the remaining non-garage street level façade. (See Exhibit 23.44.016.A above) Additionally, any addition/expansion must be located outside the required front yard, set at 17 feet 8 inches from the front property line along SW Forest Street, and the cub cut would be limited to 10 feet in width.

To literally apply the Land Use Code would result in single family structures with a single parking space. The Code allows for one parking space per dwelling unit in single family zones, which is currently established at the development site within a nonconforming attached carport structure. Further, existing nonconforming carports are allowed to be enclosed (converted into garages), with surface parking allowed on the driveway leading to the required parking spaces in a required yard (pursuant to SMC 23.44.016.D.7). As currently established, two cars can be legally parked on the subject lot. Many residential lots do not have parking on-site to accommodate two vehicles yet this site has an approved parking space in the existing carport. The applicant requests to construct a nonconforming two-car garage which is more than the Code required one parking space.

The Code allows the applicant to enclose an existing nonconforming carport thus satisfying the requirement to provide one parking space per dwelling unit. Construction of a conforming two-car garage would pose design challenges to retrofit an addition to this existing residential structure built in 1959, but this should not be construed as to cause an undue hardship in the structure's internal spatial realignment of rooms and utilities. There are a number of single family expansion proposals within Seattle that require structural reengineering to accommodate additions including; expansion of floor plates, adding floors vertically, or a combination of the

two. The owner has chosen to construct a nonconforming two-car garage and expansion of the interior floor area, and has failed to demonstrate practical hardships that are not typical of remodeled structures. To provide a Code complying option would not cause the owners practical difficulties or create undue hardships.

Therefore, the literal interpretation of the requirements of the Land Use Code would not result in undue hardship or practical difficulties for the applicant.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

Single family zones are the heart of our City, where human interactions on residential blocks are enhanced by attractive and active streetscapes that can be impacted by the bulk and scale of the housing stock. The spirit and purpose of the Land Use Code provides for preservation and maintenance of the physical characteristics of single-family neighborhoods. This well entrenched residential neighborhood with its architectural mix of structures and number of mature trees creates a sense of calm and intimacy. It is the responsibility of the City to preserve and protect areas which are currently in predominantly single-family residential use. The existing single family residence with attached carport is in keeping with what is typical of the residential uses in single family zones and the surrounding area. A small portion of residential structures in the immediate area were found to be nonconforming to required front yard requirements.

The establishment of a single family use at the subject site occurred in 1959. The greater majority of the homes were constructed after 1957, at a time when the Code required a 20 foot front yard setback. One of the detached accessory structures (garage/shed) constructed around 1924 is sited along the front property line. In recognizing the importance of protecting life, health, and safety of its residential population the City enacted the Land Use Code. It is further accepted that the City encourages home ownership and use of private property with proscriptions in an ever changing world. The single family section within the Land Use Code contemplates expansion of non-conforming structures but sets limitations of applicability that do not contemplate situations where a confluence of a predominance of shallow front yards are found on block fronts.

The City Council recently passed an Ordinance (effective date, November 12, 2008) to further safeguard public welfare in single family zoning districts by setting limits on the bulk and scale of garage structures adjacent to the public right-of-way. Among other amendments, the appearance of garages have been scaled back to limit the presence and importance of vehicles in residential zones. Street facing garages are now required to occupy a horizontal area no greater than 50% of the width of the front façade or 10 feet whichever is greater, and the garage shall be no closer to the street lot line than 80% of the remaining non-garage area. The proposal garage expansion will represent a garage closer than 80% of the remaining non-garage area, which runs contrary to the spirit of the Code.

Seattle's Comprehensive Plan allows for the development of parking accessory to single family dwellings in single family areas that minimize the visual and use impacts upon the character of single family neighborhoods. One stated goal (LUG5), "Regulate the location of off-street

parking and the size and location of curb cuts to reduce parking and vehicle traffic impacts on pedestrians and residential and commercial streetscapes, and to prevent obstacles to commerce and traffic flow.” One stated policy (LU52) specifically addresses reduction in the appearance parking impacts; “In order to maintain an attractive street level environment, to facilitate pedestrian and vehicle traffic circulation, to minimize adverse impacts of parking on adjacent areas and structures, to sustain on-street parking, and where appropriate, to maintain or create a continuity of street fronts, generally prohibit street level parking between buildings and the street.”

The prevailing pattern along the streetscape features a generous separation of structures from the front property line. Other surrounding properties would be adversely impacted with a physical encroachment of the proposed structure in the front yard, five feet from the street property line. A sense of openness and privacy along the streetscape is a desired and expected characteristic within single family zones. The proposed bulk and scale of the expansion would not be in keeping with the pattern of lots in the immediate area and would not meet the bulk and siting provisions in single family zones. The granting of the variance will adversely affect the physical characteristics or use of the surrounding neighborhood, with the remodel and expansion of a single family residence to accommodate a garage at the subject development site.

Therefore, granting the requested variance would not be consistent with the spirit and purpose of Land Use Code regulations for the area.

DECISION - VARIANCE

The proposed variances to remodel and expand an existing nonconforming residential structure that includes garage expansion, at 5226 SW Forest Street are **Denied**.

CONDITIONS - VARIANCE

None

Signature: _____ (signature on file) Date: June 14, 2010
Bradley Wilburn, Land Use Planner
Department of Planning and Development
Land Use Services

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